

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6479 of 2017

Arising Out of PS.Case No. -306 Year- 2011 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Janeshwar Ram S/o Sheo Ratan Ram Resident of Mohalla- Nawadih, P.S.
+P.S. +District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar.
2. Asha Devi W/o Janeshwar Ram Vill- Nawadih, Dhelabag, P.O.- Amjhor,
P.S.-Rohtas, Distt. Rohtas.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Syed Mohammad Shabbir Alam

For the Opposite Party/s : Mr. Sri Vinod Shankar Modi

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4. 26-04-2017 Heard learned counsel for the petitioner and

the learned A.P.P. for the State as well as learned counsel

for the opposite party no. 2.

Petitioner is languishing in judicial custody
since 15.09.2016 in connection with Complaint Case No.
306-C of 2011 registered for the offence punishable under
Section 498A of the Indian Penal Code.

The prosecution case, as lodged by the
complainant opposite party no. 2, is that he was married to
the opposite party no. 2 in the year 1999 and has three
daughters and one son. Subsequently, the petitioner
subjected her to torture and also remarried. Hence, a case
under Section 498A has been brought about by the



opposite party no. 2. On earlier occasion, the petitioner had come for anticipatory bail, which was granted by this court in Cr. Misc. No. 6526/2012 on 06.03.2012, on a condition that petitioner would keep his wife with full dignity and honour. Thereafter, learned court below also in its order passed had taken an undertaking from the petitioner that he would also give proper share to the opposite party no. 2 and the children born from the complainant, but those conditions and undertakings were not fulfilled. Hence, earlier the bail bond of the petitioner was cancelled, and he surrendered and was in custody between 07.12.2013 till 29.04.2014.

It has been submitted by learned counsel for the petitioner that a Maintenance Case No. 32 of 2012 has been filed by the opposite party no. 2 against the petitioner in which the Principal Judge, Family Court, Sasaram, Rohtas, has passed an order dated 28th October, 2013 allowing Rs. 1000/- to the opposite party no. 2 and Rs. 500/- each to all the four children. But, since he is in custody he was not able to pay any amount to the opposite party no. 2.

Learned counsel appearing on behalf of the



opposite party no. 2 opposes prayer for bail of the petitioner so also the learned counsel appearing on behalf of the State.

Considering the facts and circumstances and the materials placed on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Bikramganj, Rohtas, in connection with Complaint Case No. 306-C of 2011, subject to condition that petitioner will pay the entire maintenance amount including arrears to the opposite party no. 2 within a period of six (6) months from the date of release, and thereafter regular monthly payment be made, failing which the bail bonds of the petitioner will be liable to be cancelled.

(Nilu Agrawal, J.)

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